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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,449	12/14/2001	Ercan Sen	2001P17155US	5291

7590

09/14/2005

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,449

Applicant(s)

SEN, ERCAN

Examiner

Venkatesh Haliyur

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12/14/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/14/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-5 have been examined.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "said primary path" in line 1, however there is no such primary path in claim 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grenier et al [US Pat 6,654,923] in view of Marathe et al [US Pat 6,882,626].

Regarding claim 1, Grenier et al disclosed an "ATM Group Protection Switching Method and Apparatus" to monitor and detect a failure in the working path (primary path) and automatically switch to protection path (backup path) to achieve resiliency in ATM networks [column 1, lines 58-67, column 2, lines 1-12]. Grenier et al also disclosed a mechanism for establishing working and protection

Art Unit: 2664

paths between network elements (NE) [items 12a and 12b of Fig 1] in an ATM network according to known ATM protocols [column 2, lines 49-61, column 3, lines 1-15]. Grenier et al disclosed primary and backup paths connected to ATM switches, but fails to disclose a mechanism for connecting links to a media gateway.

However, Marathe et al disclosed in their invention, "System and Method for Automated Switching of Data Traffic in a Packet Network" that establishes primary and backup links in an ATM network using switched virtual connections (SVCs) between gateway modules through different routers [items 220, 240, 260, 280 of Fig 3] via an ATM interface [column 3, lines 25-67, column 5 lines 41-45].

Therefore it would have been obvious for one of ordinary skill in the art to use the teachings of Marathe et al to include media gateways in the system of Grenier et al to establish primary and backup SVCs for achieving the resiliency for same calls over ATM networks.

Regarding claim 2, Grenier et al disclosed a method for detecting a failure in primary path and switching the call connection from primary path to backup path [column 3, lines 41-50] using an Automatic Protection Switching (APS) signal via an independent signaling link for call supervision [column 4, lines 59-67] but fail to disclose a switched virtual circuit (SVC) connection.

However, Marathe et al disclosed a mechanism for establishing primary and secondary SVCs for ATM networks [column 5, lines 41-45].

Therefore it would have been obvious for one of ordinary skill in the art to use the teachings of Marathe et al to establish primary and backup SVCs in the

Art Unit: 2664

system of Grenier et al to switch from primary to backup SVC under APS signaling supervision.

Regarding claim 3, Grenier et al disclosed a mechanism for informing the upstream and downstream network elements of a failure through an associated APS protection channel [column 4, lines 53-67, column 5, lines 1-58]. But, Grenier et al fails to disclose the primary and backup SVCs.

However, Marathe et al disclosed a mechanism for establishing primary and secondary SVCs for ATM networks [column 1, lines 61-67, column 2, lines 1-8, column 5, lines 41-45].

Therefore it would have been obvious for one of ordinary skill in the art to use the teachings of Marathe et al to include primary and backup SVCs in the system of Grenier et al to inform all affected SVCs of the failure status of said primary SVC through the corresponding backup SVC using said APS signal.

Regarding claims 4,5, Grenier et al disclosed a mechanism for detecting failures in a network element [column 5, lines 3-13, column 7, lines 3-22] but fails to disclose ATM switch failure or gateway failure. However, Marathe et al disclosed APS coordinated system with network elements such as ATM switches, routers and gateways [column 2, lines 54-67, column 3, lines 25-40] and a mechanism to detect a failure in such a system [column 4, lines 45-53].

Therefore it would have been obvious for one of ordinary skill in the art to use the teachings of Marathe et al to include network elements such as ATM switches, gateways and failure detection mechanism in to the system of Grenier et al to detect an ATM switch failure and media gateway failure.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art in reference here are Greneir et al and Marathe et al.

5. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached @ (571)-272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Art Unit: 2664

  
**Ajit Patel**  
**Primary Examiner**